

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: RFC and ResCap Liquidating Trust
Litigation

Court File No. 13-cv-3451 (SRN/HB)

This document relates to:

ALL ACTIONS

**STIPULATION FOR
WITHDRAWAL OF PLAINTIFFS'
FIRST CAUSE OF ACTION**

Plaintiffs Residential Funding Company, LLC and ResCap Liquidating Trust (“Plaintiffs”) and Defendants Home Loan Center, Inc., Impac Funding Corp., Freedom Mortgage Corporation, iServe Residential Lending, LLC *f/k/a* United Residential Lending, LLC, Standard Pacific Mortgage, Inc., and CTX Mortgage Company, LLC (collectively, “Defendants”) jointly stipulate as follows:

- a. Plaintiffs have not asserted and are not pursuing claims for common law indemnity; and
- b. Plaintiffs hereby withdraw the first cause of action in each operative Complaint without prejudice to reassertion if there is a reversal on appeal or reconsideration of one or both of the following sections of the Court’s Memorandum Opinion And Order On Common-Issue Motions For Summary Judgment [Doc. No. 4307]: (i) Section III(G)(1), concerning the statute of limitations for loans sold before May 14, 2006; or (ii) Section III(G)(3)(a), concerning Plaintiffs’ Breaching Loss Approach.
- c. The parties stipulate to an Order consistent with the foregoing.

Dated: October 4, 2018

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